

Appl. No.: 10/720,710
Amdt. dated 06/12/2006
Reply to Office action of April 4, 2006

REMARKS/ARGUMENTS

Claims 1-25 are pending. Claims 1-25 were rejected as unpatentable over U.S. Patent No. 4,557,398 to Hambleton et al. in view of U.S. Patent No. 6,846,876 to Quinn.

Applicant sincerely appreciates the non-final status of the Office Action.

The present claims are directed to a container having a closure sealed with a heat-seal material comprising a blend of two ionomers of respectively higher and lower acid content such that the blend has an acid content intermediate those of the two ionomers. The reduced acid content has been found to reduce the "age-up" phenomenon in which the heat seal becomes stronger with age.

The Office Action asserts that Hambleton discloses the claimed invention except for the lower acid content material. The Office Action then asserts that Quinn teaches it is known to provide a heat seal material that comprises an ethylene acrylic acid ionomer and an ethylene methacrylic acid ionomer, and that it would have been obvious to provide Hambleton's container with the heat seal material of Quinn in order to improve the adherence qualities of the sealing material.

Applicant respectfully submits that the rejections are improper.

Hambleton discloses a container wherein the closure is sealed to the container with a Surlyn/lacquer layer **58** (col. 7, lines 54-68, col. 8, lines 1-4, and FIG. 3) on the closure.

Quinn is directed to a spray-on hot melt composition for use in making absorbent articles such as diapers, to adhere a loose fluff or batting to an outer cover. Quinn describes that the composition can comprise a wide variety of thermoplastic polymers. Quinn mentions "ionomer" in only one brief paragraph at the top of column 4, as follows:

"Suitable ethylene/unsaturated carboxylic acid, salt and ester polymers include ethylene/vinyl acetate (EVA) ethylene/acrylic acid (EEA) and its ionomers;

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ethylene/methacrylic acid and its ionomers; ethylene/methyl acrylate (EMA); ethylene/ethyl acrylate; ethylene/n-butyl acrylate (EnBA); as well as various derivatives thereof that incorporate two or more comonomers.”

The rest of Quinn’s disclosure is entirely devoid of any mention of the use of ionomers. The specific examples of hot melt compositions described in Quinn beginning at column 7 do not include any ionomer.

In light of the very brief and vague reference to the use of ionomers, there is nothing in Quinn that would have suggested the use of a specific blend of two different ionomers for sealing a closure to a container body as claimed. It is noted that the paragraph in Quinn reproduced above does not even suggest the use of *mixtures* of the listed materials, let alone the particular mixture as claimed.

Moreover, there is nothing in Quinn teaching or suggesting that two ionomers of respectively higher and lower acid content should be blended together to form a heat seal material.

Thus, Quinn’s disclosure would not have made it obvious to a person of ordinary skill in the art to modify Hambleton to employ the heat seal material as claimed. Indeed, Hambleton is concerned with a very different application (sealing a closure to a container) from that of Quinn (adhering together layers of a diaper). The Office Action has not pointed to any motivation in the prior art to modify Hambleton based on any teaching of Quinn. The asserted motivation “to improve the adherence qualities of the sealing material” is not a motivation that comes from any prior art of record. Furthermore, the Office Action has not pointed to any evidence that the heat seal material of Quinn, designed for adhering together diaper components, would improve upon Hambleton’s Surlyn/lacquer coating for sealing a closure to a container body, in any material respect.

There is not even any evidence or convincing reason why a person concerned with sealing a closure to a container body would look to Quinn for the solution to any problem associated with such closure sealing.

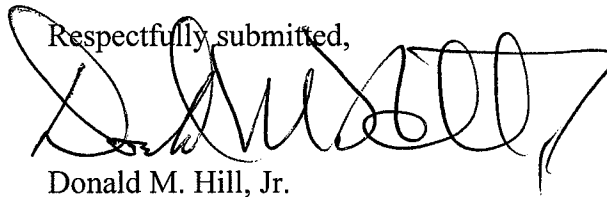
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Accordingly, Applicant respectfully submits that Hambleton and Quinn would not have been combined, but even if combined, would not have suggested the claimed invention.

Conclusion

Based on the above remarks, it is respectfully submitted that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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CLT01/4833205v1